

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

UNITED STATES OF AMERICA,

vs.

Criminal No: 2:05-cr-119-MEF

DON EUGENE SIEGELMAN, et al.,

**DEFENDANT DON EUGENE SIEGELMAN'S  
MOTION TO ADOPT, *IN TOTO*, RICHARD SCRUSHY'S  
MOTION FILED UNDER SEAL ON OR ABOUT NOVEMBER 9, 2006**

Comes now the Defendant, DON EUGENE SIEGELMAN (Siegelman), by and through his counsel of record, and files this Motion to Adopt, *in toto*, Richard Scrushy's Motion Filed Under Seal on or about November 9, 2006, and states as follows:

1. On or about November 9, 2006, Richard Scrushy filed, under seal, a motion with attached affidavits and other materials pertaining to the Court's November 17, 2006 hearing.
2. Governor Siegelman has been under the impression that no formal motion need be made to adopt the pleadings and objections of a co-Defendant in order to preserve an issue for appeal.
3. However, after Governor Siegelman's counsel inquired of the Court as to the accuracy of this understanding, the Court instructed Governor Siegelman to file a formal motion adopting Richard Scrushy's November 9, 2006 motion.

**WHEREFORE**, the premises considered, Governor Siegelman moves to adopt, *in toto*, Richard Scrushy's Motion Filed Under Seal on November 9, 2006, and for such further, other, and different relief to which Defendant is entitled.

/s/ David A. McDonald

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### **CERTIFICATE OF SERVICE**

I do hereby certify that on this 27<sup>th</sup> day of November, 2006, I electronically filed the foregoing pleading with the Clerk of the Court using the CM/ECF system which will send notification of such to all counsel of record.

/s/ David A. McDonald

DAVID A. McDONALD